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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Kimberly Spitler,

10 Plaintiff,

11 v.

12 State of Arizona, et al.,

13 Defendant.  
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No. CV-19-04859-PHX-DWL


**ORDER**

15 Pending before the Court is the State of Arizona's motion to dismiss (Doc. 6.)  
16 Plaintiff has filed an amended complaint (Doc. 10), and therefore the motion to dismiss  
17 the original complaint is moot. *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir.  
18 1997) ("[T]he amended complaint supersedes the original, the latter being treated  
19 thereafter as non-existent."); *A.R.D. v. Kerry*, 2014 WL 12617410, \*1 (D. Ariz. 2014)  
20 (denying motion to dismiss as moot after superseding amended complaint was filed).

21 Accordingly,

22 **IT IS ORDERED** that the motion to dismiss (Doc. 6) is denied as moot.

23 Dated this 21st day of August, 2019.  
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28 Dominic W. Lanza  
United States District Judge